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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

PAUL MICHAEL WACH,

Petitioner,

v.

**THE UTAH BOARD OF PARDONS
AND PAROLE, et al,**

Respondents.

**OPPOSITION TO MOTION FOR
EVIDENTIARY HEARING/SPEEDY
TRIAL**

Case No. 2:22-CV-00048

Judge DALE KIMBALL

Petitioner filed a Motion for Evidentiary Hearing/Speedy Trial on May 15, 2023.

[Doc. 18](#). Petitioner's request for a speedy trial lacks merit and his request for an evidentiary hearing is premature.

The right to a speedy trial is contained in the [U.S. Const. amend. VI](#). It provides that an accused shall be entitled to a speedy and public trial in all criminal prosecutions. This matter is not a criminal prosecution and Petitioner has no right to a speedy trial.

Petitioner also asserts that he is entitled to an evidentiary hearing and provides a short list of reasons in the body of the motion. This request is not ripe. In November 2022, Respondents filed for dismissal. [Doc. 13](#). The matter was fully briefed but has not been decided. [Doc. 14](#) and [Doc. 15](#). All of Petitioner's assertions in the present motion were also made in response to the Motion to Dismiss. Respondents are entitled to a ruling on their motion before further proceedings are scheduled in this matter. Indeed, a ruling on Respondents' motion may dispose of the case and then no further proceedings would be necessary.

Respectfully submitted: May 19, 2023.

OFFICE OF THE
UTAH ATTORNEY GENERAL

/s/ Amanda N. Montague
AMANDA N. MONTAGUE
Assistant Utah Attorney General
Attorney the Utah Board of Pardons and Parole

CERTIFICATE OF SERVICE

I certify that on May 22, 2023, I electronically filed the foregoing,
**RESPONDENTS' OPPOSITION TO MOTION FOR EVIDENTIARY
HEARING/SPEEDY TRIAL**, using the Court's CM/ECF System. Additionally, I
certify that I mailed a true and correct copy of the same, postage prepaid:

Paul Wach
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Utah State Correctional Facility
P.O. Box 165300
Salt Lake City, Utah 84116

/s/ Cecilia Rojas
Paralegal